No. 98-8952-CFX Title: Mary Koegel Fertel-Rust, Petitioner
v.
Milwaukee County Mental Health Center, et al.

Docketed: April 14, 1999 Court: United States Court of Appeals for the Seventh Circuit

Entry	Date	Proceedings and Orders
	Feb 9 1999	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due May 14, 1999)
	Feb 9 1999	Motion of petitioner for leave to proceed in forma pauperis filed.
	May 7 1999	Waiver of right of respondents Milwaukee County, et al. to respond filed.
	May 26 1999	DISTRIBUTED. June 10, 1999
	Jun 14 1999	REDISTRIBUTED. June 17, 1999
	Jun 21 1999	Motion of petitioner for leave to proceed in forma pauperis DENIED. See Rule 39.8. Petitioner is allowed until July 12, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Dissenting opinion by Justice Stevens. Opinion per curiam. (Detached opinion.)

1PP

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

ORIGINAL (MAIN COPY - For the US Supreme Court - MR William Suter, Clerk of Court)

98-8952 (2)

No. _____

Supreme Court, U.S.
FILED
FEB 9 1999
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

RECEIVED
MAR 2 6 1999
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MS MARY MARGARET ROSE KOEGEL FERTEL-RUST
BSPS, MSW, ACSW, MA — PETITIONER Pro Se, Pauper
(Your Name)

VS.

Milwaukee County MENTAL HEALTH Center (WISCONSIN) et al — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

[X] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): US District Court for the Western Section of WIS. Judge John Shabaz located in MADISON, WISCONSIN - 9/1998 Judge Shabaz also in the past- Judge Rudolph Randa - US District Court for the Eastern Section of WIS. located in Milwaukee, WIS

[ ] Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court. Motion is attached hereto

[X] Petitioner's affidavit or declaration in support of motion is attached hereto.

Mary M R. Koegel Fertel-Rust
(Signature)

(15) PM

2 Original - US Supreme Court

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Mary M Kaegel Fertel-Rust am the petitioner in the above-entitled case. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

I further swear that the responses I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Are you presently employed? Yes ___ No X

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

—

b. If the answer is no, state the date of your last employment and the amount of salary or wages per month which you received. last full time employment - Milwaukee County Juvenile Probation Officer - 10/80 - 1/84 - $20,000.00 - 2 left for ETHICAL REASONS + to read helping my sick mother in AZ.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources? Yes ___ No X

a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

—

3. Do you own any cash or have a checking or savings account? Yes X No ___ today - 3/6/99

a. If the answer is yes, state the total value of the items owned.

checking account - M+I Bank Milwaukee $50.00
savings account - Univ. of Wis - Madison Credit Union 17.00
cash on hand = $171.86
plus 425.00 for April rent - apr. 1 1st

50.00
17.00
171.86
425.00
$ 663.86

total = $663.86

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing) Yes ___ No X

a. If the answer is yes, describe the property and state its approximate value.

but I just bought a $50.00 US Savings Bond for 25.00 maturing in 18 years when I turn 76.

5. List the persons who are dependent upon you for support and state your relationship to those persons My maternal auntie, age 94, God willing on April 5, 1999 - I support her in all ways I can.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Sat. 3/6/99 19 99

Mary M Kaegel Fertel-Rust
(Signature)
Saturday, March 6, 1999

3 Original For the U.S. Supreme Court

No. 98-8952

Supreme Court, U.S.
FILED
FEB 1999
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Mary Margaret Rose
KOEGEL FERTEL-RUST – PETITIONER
(Your Name)

VS.

Milwaukee County Mental Health Center (Wisconsin) et al – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals for the 7th Circuit in Chicago, Illinois
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mary M R Koegel Fertel-Rust
(Your Name)

183 A N 71 Street
(Address)

Milwaukee, WIS. 53213
(City, State, Zip Code)

1-414-778-0562
(Phone Number)

(9)

4 original for the US Supreme Court

QUESTION(S) PRESENTED

MAIN ISSUE AND CORE ISSUE:

Two separate civil rights/constitutional injury cases were appealed to Chicago from Milwaukee Federal Court by plaintiff - myself - 1e 93-C-1326 + 94-C-91. They were handed in in Milwaukee to the clerks office on Jan. 7, 1999 + docketed in Chicago on 1/11/99 as 99-C-1061 + 99-C-1062 respectively. ON January 19th

an UNKNOWN PERSON OR PERSONS in Chicago, on IT or THEIR OWN MOTION (NOT plaintiff's, NOT defendants) IN an UNSIGNED opinion combined two separate unrelated civil rights/constitutional injury cases together - 93-C-1326 + 94-C-91.

PLAINTIFF is ADAMANTLY against this and these cases are separated in time - 93-C-1326 was JUNE or July 1993 and 94-C-91 was the evening of MARTIN LUTHER KING Memorial Day - Jan 17, 1994 on WATER. Different defendants are responsible; for example different Police departments. Also 94-C-91 entails seizure by police at a private hotel with its own security force plus a police department. The one common defendant in both is The Milwaukee County MENTAL Health Centers and its STAFF - A place I ended up in by forced seizing both times. The VERY place I TRAINED IN AS A graduate student IN SOCIAL WORK at the UNIVERSITY of WIS - Milwaukee IN 1967-1968 ON a NATIONAL INSTITUTE of MENTAL HEALTH GRANT. PLAINTIFF (myself) IS A TRAINED, ACCREDITED practiced SOCIAL worker. She (myself) is a psychiatric SOCIAL worker and has practiced in that field. I have been And am NOW a member of the NATIONAL ASSOCIATION of Social Workers. I have been in their clinical registry under the name KOEGEL. I also have been certified as a school social worker and have done that work. I am an ex - social worker. Please note well my last full time paid professional employment was a SOCIAL WORKER/JUVENILE PROBATION OFFICER at Milwaukee County Children's Court IN WAUWATOSA, WIS 10/1980 - 1/1984. I left for ETHICAL REASONS and because I was taking care of my sick MOTHER IN PHOENIX (SUN City West) AZ.

over please

TO SUM up - I IN all my professional work needed to take responsibility for what I did (I am also a MASTER's degree librarian) How can Chicago - some UNKNOWN person/s just do this IN an UNSIGNED opinion? It is NOT due process or fairness.

5 original - US Supreme Court

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Civil rights case #
93-C-1326 - Milwaukee, Judge Rudolph Randa, 99-C-1061 Chicago
Mary Margaret Rose Kaepel Fertel-Rust
BSFS, MSW, RCSW, MA
versus please

- City of Waukesha, WIS. Police Department and members
- City of Waukesha, WIS. Police & Fire Commission and members
- City of Waukesha, WIS.
- Milwaukee County (WIS) mental Health Center and Staff et al

94-C-91 Civil rights case # 99-C-1062 Chicago
- Milwaukee, Judge Rudolph Randa

Mary Margaret Rose Kaepel Fertel-Rust
BSFS, MSW, RCSW, MA
versus please

- ambassador Hotel in downtown Milwaukee, WIS and Staff
- Security service for the ambassador Hotel in downtown Milwaukee (WIS) and security guard staff
- City of Milwaukee, WIS Police Department and members
- Milwaukee County Mental Health Center and Staff (WISCONSIN)

et al - 15 to 18 original defendants listed. Plaintiff wishes all defendants held accountable for their actions

6 Original for US Supreme Court

TABLE OF CONTENTS

OPINIONS BELOW 1

JURISDICTION 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3

STATEMENT OF THE CASE ..... 4+5

REASONS FOR GRANTING THE WRIT 6

CONCLUSION 7

INDEX TO APPENDICES

APPENDIX A Jan. 19, 1999. Order of US Court of Appeals, Chicago on its own motion by an unknown person/s on an unsigned order

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

7 original for US Supreme Court

TABLE OF AUTHORITIES CITED

PAGE NUMBER

CASES

① Milwaukee federal case # 91-CV-717
from S et al vs JON Gudeman et al
filed 7/2/91 - trial was 2/7/94
class action suit vs the Milwaukee County Mental Health Center. One set of lawyers were from federally funded WIS Coalition for Advocacy (plaintiffs lawyers)

② State of WIS Circuit Court - Branch 6 - Dane County case
92-CV-1993 filed May 14, 1992
M.L. et al vs State of WIS. Dept of Health & Human Services et al
class action suit involved 2 WIS State Public mental hospitals - one in MADISON, WIS. and the other in OSHKOSH. federally funded WIS Coalition for Advocacy was one of the lawyers for the plaintiffs

STATUTES AND RULES

③ Mr. Leroy Bryant vs City of Racine, WIS Police Dept
for illegal search in his Mother's house. On appeal to 2nd District Court of Appeals, State of WIS
Decision 12/7/98

—

OTHER

—

8 Original for the U.S. Supreme Court

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

9 Original for the 13 Supreme Court

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(date) in Application No. A-_____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

I have not heard from Chicago. They were informed on 11/22/99 that I sent you a petition of certiorari & a few days later I sent them a copy of the petition. I have copies of that material.

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(date) in Application No. A-_____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

10 Original For the 3 Supreme Court

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4th + 8th + 14th amendments US constitution

US Constitution		WS State Constitution Bill of Rights
4th amendment	=	Section 11
8th amendment	=	Section 6
14th amendment	=	Section 8

In addition WS State Constitution
Bill of Rights
Sections 4, 18 + 20
and concerning poverty
Sections 9, 16, 17 + 21.

11 Original for the U.S. Supreme Court

STATEMENT OF THE CASE

Put in its simplest form 2 civil rights cases have been combined that are unrelated. by the Chicago Court of Appeals. - 93-C-1326 (Chicago 99-C-1061) + 94-C-91 (99-C-1062)

These cases may never have been closed in Milwaukee, WIS. It is impossible to tell because I have no lawyer or advocate and I am not allowed to see these files which are in Milwaukee now. The Clerks office. MRS Katherene Morwell - will not let me see my own files because the states judge Rudolph Randa has so ordered.

So Judge Randa may have closed finally these 2 civil rights cases in Milwaukee - decisions of 8/31/98 & 12/9/98 - relying as he says solely on his memory with no files there and also acknowledging I had not seen them.

In addition he has not ruled on my pauper petitions for the Chicago Court of Appeals. He has not ordered Milwaukee County to produce transcripts of probable cause hearings held at their mental health center which in 94-C-91 for sure it is clear I was let go. I was seized by force in my room at the ambassador Hotel by Milwaukee Police, taken against my will to the Milwaukee County mental Health Center and held ~~on a locked~~ there for a probable cause hearing and let go. If I remember correctly no one showed up to testify against me.

I have tried myself to get files and the names of court reporters to order transcripts at the Milwaukee County Courthouse - Probate Office (Mr Richard Baker, Registrar, Mr. Knoll assistant, & Mrs. Nancy Brand) for the hearings connected with these two cases but get nowhere. I sit quietly and they give me information for other dates etc.

Now we have Chicago also acting very oddly by their action of Jan. 19, 1999. I say again - why is it that I - the victim - have to keep trying to get even the start of due process + fairness + justice + have to constantly sign my name + my assets + have my character judged when these people in the Federal Courthouse in Milwaukee and in the Milwaukee County Courthouse and in Chicago just do whatever they want?

over please

1 ✓ Original for the US Supreme Court

REASONS FOR GRANTING THE PETITION

If the US Constitution and the US State Constitutions matter, these cases matter. If civil rights and civil liberties matter these cases matter. A seizure of a person in their hotel room or at their aunt's (age 90 then in 1993) in Wauwatosa and forced transport to a locked ward mental hospital is certainly against the 4th amendment and the 14th amendment. as a long term guest

To be really brief - it comes down to this - do human beings, including myself, have a right to be treated with respect and fairness based on being human or not? Mother Theresa of Calcutta (now deceased) Martin Luther King Junior and his family and others would say yes. The Catholic Church would say yes based on the natural law and so would the United Nations say yes

or does fairness only go with middle class status and not rocking any boats? or being rich?

Do we have a country with a military/police power under law or civilian rule or not? Do we have mental hospitals as hospitals or hell-hole/prisons?

I have been in the federal courts since Sept/Oct. 1992, first on the advice of an Equal Employment Opportunities Commission federal employee in Milwaukee with Judge Terrence Evans for age discrimination, in not hiring (City of [redacted] Milwaukee, US.). Judge Evans found the case to have merit. Now he is in Chicago.

What is going on —

But I swear to God that all I write here is true so help me God.

Mary M Kaegel Fertel-Rust

13 original for the U.S. Supreme Court

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

MS Mary Margaret Rose Kaegel Ferkel-Rust
BSFS, MSW, ACSW, MA

Date: Saturday, March 6, 1999

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

January 19, 1999

By the Court:

MARY KOEGEL FERTEL-RUST,
Plaintiff-Appellant,

Nos. 99-1061 and 99-1062 v.

MILWAUKEE COUNTY MENTAL HEALTH CENTER, DOCTOR MCBRIDE, DOCTOR HUANG, et al.,
Defendants-Appellees.

] Appeals from the United
] States District Court for
] the Eastern District of
] Wisconsin.
]
] No. 93 C 1326
] No. 94-C-91
]
] Rudolph T. Randa, Judge.
]

ORDER

The court, on its own motion, orders that these appeals are CONSOLIDATED for purposes of briefing and disposition.

Briefing in this consolidated appeal is SUSPENDED pending a determination of appellant's fee status on appeal.

Appendix A

14 Original for the U.S. Supreme Court

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

Mary Margaret Rose
Koegel Fertel-Rust — PETITIONER
(Your Name)

VS.

Milwaukee County
Mental Health Center
(WISCONSIN) et al — RESPONDENT(S)

PROOF OF SERVICE

I, Mary M.R. Koegel Fertel-Rust, do swear or declare that on this date, Tuesday Month 23, 1999, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

① City of Wauwatosa Attorney for defendant, City of Wauwatosa Wis Police Department and members, City of Wauwatosa Police + Fire Commissioners and members and City of Wauwatosa. C/o City Hall 7725 W. North Avenue Wauwatosa, Wis 5321.

② Milwaukee County Mental Health Center and staff C/o Administrator Ms Kathleen Ellers Milwaukee County Mental Health Center 9455 Watertown Plank Road Wauwatosa Wis 53226

③ ~~Ambassador Hotel (for the Hotel + Security Service for the hotel~~

④ City of Milwaukee attorneys office for City of Milwaukee Police Dept + members. Milwaukee City Hall - 800 floor Milwaukee, Wis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Tuesday March 23, 1999

Mary M R Koegel Fertel-Rust
(Signature)

Per Curiam

SUPREME COURT OF THE UNITED STATES

MARY KOEGEL FERTEL-RUST *v.* MILWAUKEE COUNTY MENTAL HEALTH CENTER ET AL.

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 98–8952. Decided June 21, 1999

PER CURIAM.

Pro se petitioner Fertel-Rust seeks leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request pursuant to Rule 39.8. Fertel-Rust is allowed until July 12, 1999, within which to pay the docketing fee required by Rule 38 and to submit her petition in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari from Fertel-Rust in noncriminal matters unless she pays the docketing fee required by Rule 38 and submits her petition in compliance with Rule 33.1.

Fertel-Rust has abused this Court's certiorari process. Four times in the last five years, we invoked Rule 39.8 to deny Fertel-Rust *in forma pauperis* status. See *Fertel-Rust* v. *Dane County Social Services*, 513 U. S. 1145 (1995); *Fertel-Rust* v. *Ambassador Hotel*, 513 U. S. 1013 (1994); *Fertel-Rust* v. *Milwaukee Police Dept.*, 513 U. S. 1013 (1994); *Fertel-Rust* v. *Milwaukee Police Dept.*, 513 U. S. 945 (1994). Before these four denials, Fertel-Rust had filed three petitions for certiorari, all of which were both patently frivolous and denied without recorded dissent. The instant petition for certiorari thus brings Fertel-Rust's total number of frivolous filings to eight.

We enter the order barring prospective filings for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) *(per curiam)*. Fertel-Rust's abuse of the writ of certiorari has been in noncriminal cases, and so we limit our sanction accordingly. The order therefore will not prevent Fertel-Rust from petitioning to

challenge criminal sanctions which might be imposed on her, nor will it prevent her from filing appropriate petitions for an extraordinary writ. The order, however, will allow this Court to devote its limited resources to the claims of petitioners who have not abused our process.

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Cross* v. *Pelican Bay State Prison*, 526 U. S. __, __ (1999) (STEVENS, J., dissenting); *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting), and cases cited, I respectfully dissent.